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December 22, 2006

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

**Re: CS Docket No. 97-80  
Ex Parte Presentation**

Dear Ms. Dortch:

On December 21, 2006, Ben Hooks, Bill Bauer, and Tony Swain of Beyond Broadband Technology LLC ("BBT"), Stephen Effros of Effros Communications, and Seth Davidson of Fleischman and Walsh, met in separate meetings with: Donna Gregg, Tom Horan, Andrew Long, John Wong, Brendan Murray, and Mike Lance of the Media Bureau; Heather Dixon, legal advisor to Chairman Martin and Krista Witanowski of the Office of Strategic Planning and Policy Analysis; Chris Robbins, legal advisor to Commissioner Tate; Bruce Gottlieb, legal advisor to Commissioner Copps; Rudy Briocche, legal advisor to Commissioner Adelstein; and Commissioner Robert McDowell and Cristina Pauze, legal advisor to Commissioner McDowell. The purpose of the meeting was to provide a briefing regarding a new, low cost set top box solution, utilizing non-integrated, open standard downloadable security, developed by BBT.

In accordance with section 1.1206 of the Commission's rules, an electronic copy of this notice is being submitted for inclusion in the record of the above-referenced proceeding, along with copies of a letter to Chairman Martin and a press release regarding the BBT set top box solution that were provided to each meeting participant.

Respectfully submitted,



Seth A. Davidson  
*Counsel for Beyond Broadband Technology LLC*

Ms. Marlene H. Dortch, Secretary

December 22, 2006

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cc (w/o attachments):

Donna Gregg

Andrew Long

Tom Horan

John Wong

Brendan Murray

Mike Lance

Heather Dixon

Krista Witanowski

Rudy Brioche

Bruce Gottlieb

Chris Robbins

Commissioner McDowell

Cristina Pauze

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# BBT

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B E Y O N D  
B R O A D B A N D  
T E C H N O L O G Y

12/21/06  
Hand Delivered

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Martin:

On behalf of Beyond Broadband Technology, LLC (BBT), we are pleased to inform you of a major new development in the ongoing efforts by the cable television industry to develop low-cost cable set-top boxes with true "downloadable security".

BBT was formed a little more than a year ago following 3 ½ years of quiet research and development by three independent cable television operators seeking a solution to the need for low-cost set-top boxes. BBT is just completing the filing of preliminary patent applications for a new cable television converter design. The new design will allow operators to quickly and inexpensively migrate from analog to digital transmission, including high definition, thus maximizing bandwidth utilization and assuring their ability to compete with both DBS and other technologies. It will also aid the Commission's goals of completing the digital transition and expanding broadband Internet availability.

As part of the new design, the BBT solution to the low-cost set-top box challenge includes a unique highly secure downloadable conditional access system that is capable of being used on both one-way and two-way cable systems. The shared-key encryption design, initiated either manually for one-way systems or electronically for two-way systems, uses well established and proven encryption algorithms that at minimum triple the level of currently used cable security standards.

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Details regarding the initial production designs are still being finalized. The first one-way low-cost BBT “boxes” are not actually designed as “set-top” devices, but appear similar to the “brick” transformers used on the power cords of many portable computers, and will be either wall or set mounted out of view. They will be in prototype testing in the first quarter of 2007, and manufactured product, in quantity, is scheduled for the third quarter. Associated headend equipment costing less than one-quarter current equipment prices has already been tested and is ready to go into production immediately.

The significance of this new technology should be clear. It can provide a viable low-cost substitute for expensive CableCARD devices to achieve non-integrated security. Any truly downloadable conditional access system can be accommodated by the BBT approach. Moreover, consistent with the Commission’s goal of “common reliance,” BBT is offering its technology on an “open standard” basis (similar to DOCSIS modems) to all CE and set-top box manufacturers.

As the Commission has recognized, downloadable security offers significant advantages – including cost savings and increased flexibility – over approaches that rely on complete physical separation of navigation and security functionality such as the CableCARD. The BBT solution provides precisely these advantages, thereby minimizing the risk that operators will have to make investments in older technology– investments that could foreclose those operators from spending that capital on advanced technology needed to remain competitive in the future. In short, the BBT solution addresses a dire and immediate need, particularly for independent cable systems, for affordable equipment that is capable of delivering services critical to the digital transition, such as high definition television. It also addresses, in a positive, pro-competitive way, the Commission’s goal of non-integrated security and its desire to promote the digital transition.

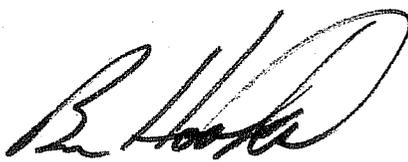
The Commission previously has been briefed on other forms of downloadable security being developed by the industry. Those other approaches may indeed provide their own specific benefits, particularly in connection with satisfying the demands of some content suppliers with respect to yet-to-be-developed advanced services. What BBT has done is design a downloadable conditional access security system in a low-cost set-top box that can be used today, for currently offered services and can also

prove to be the first phase of an evolution toward competitively designed approaches responding to new and different needs.

The fundamental challenge facing BBT was whether it could quickly finish development of a basic device and begin deployment of this new technology before the current deadline for severable security forced cable operators to make financial commitments that would derail the entire effort. Absent the BBT alternative, the required purchase of CableCARD technology would have forced many cable systems, particularly the smaller ones, to fail, sell, or consolidate because they cannot comply with the Commission's current mandates. There simply is no cost efficient equipment currently available on the market for them to do so.

We are pleased to inform you that we have met the challenge. The Commission has stated that the concern that prompted the non-integrated security rule in the first place was that the commercial availability of navigation equipment may be impeded by the provision of bundled boxes. The BBT solution addresses this concern by offering "severable security" based on a flexible, cost-efficient, and "open standard" downloadable conditional access system.

Should you want further information, please feel free to contact us.



Ben Hooks



Bill Bauer



Tony Swain

cc: Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
Donna Gregg

## UNIQUE LOW COST SET TOP CABLE DEVICE WITH DOWNLOADABLE SECURITY ANNOUNCED FOR 2007 DEPLOYMENT

A new “open standard” solution to providing cable set-top converters which are both economical and provide a non-integrated downloadable security system has been announced. Full commercial deployment of the new device, which supports both analog and digital signals is scheduled for 2007.

The announcement follows more than three and one-half years of quiet research and development by a new company, Beyond Broadband Technology, LLC (BBT) formed by three veteran cable television operators. “The primary objective”, said Bill Bauer, President and CEO of WinDBreak Cable, of Gering, NE, “was to develop a low cost set top box (LCST) that would allow systems to efficiently migrate from analog to digital transmission.” This migration will free up significant bandwidth for cable companies to offer new and improved services to customers, including high definition television programs, and faster broadband Internet connections.

In the process of developing the new devices, BBT designed an entirely new and elegantly simple fully downloadable conditional access solution that provides a high level of signal security, which can now provide a low-cost substitute for expensive CableCARD technology currently in use. The non-integrated downloadable security solution provides the “severable security” called for by the FCC. It will be the first system of its type offered on a fully open standard basis to any consumer electronics or set top box manufacturer. It can be built directly into consumer electronics equipment as well as set top devices. The first low cost device to be marketed will be designed much like a consumer electronics power cord transformer and will mount on the wall or back of the television set, out of view.

Ben Hooks, Chairman of Buford Media Group, LLC, and another of BBT’s founders, noted that there were several criteria for the new design. “It had to support existing analog channels, as well as legacy digital deployments, while at the same time allow operators large and small to reclaim bandwidth by providing an end-to-end digital solution to create an economic migration path to all-digital transmission.”

Because of the unique, fully scalable design of the BBT conditional access solution, cable operators can choose between local, regional or national

control of the LCST. This will allow, even at the system level, full flexibility to deliver programming to customers in a packaged, tiered, or even individual channel format. Headend equipment is modular and allows emergency alert notification across all channels. It supports both MPEG2 and MPEG4 encoding, facilitating an easy migration to more efficient use of cable bandwidth.

Tony Swain, President and CEO of Tele-Media Broadband, the third founder, has been focusing on the contracts to effectuate the new BBT downloadable LCST solution. The first manufacturer to sign on is R.L. Drake, Co., which plans to have prototypes ready for testing before the end of the first quarter of 2007 and manufactured product available, in quantity, by the third quarter. Satellite transport will be provided by Syndetik, which will encode, encrypt and uplink over 200 channels of programming via multiple C-Band satellites.

The initial basic LCST device is designed to work with one-way and two-way cable systems. It does not require a "return path" through the cable system. The retail price for that device will be below \$100, and could be significantly less, depending on the volume of the initial orders. Headend equipment will cost less than one-quarter of those currently being installed.

The new BBT solution to a low cost set-top box with full downloadable security will allow a much faster migration by cable operators from an analog to a digital transmission system at a cost far lower than had been anticipated. It can significantly speed recovery of large amounts of bandwidth currently used for analog transmission and will end questions of whether the cable industry has sufficient bandwidth for future demand. BBT's technical breakthrough will accelerate both the "digital transition" and the rollout of broadband technology nationwide.

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